

21 MAR -2 PM 12:45

144

1. **Introduction**
 2. **Background**
 3. **Methodology**
 4. **Results**
 5. **Discussion**
 6. **Conclusion**
 7. **References**
 8. **Appendix**
 9. **Figure 1**
 10. **Figure 2**
 11. **Figure 3**
 12. **Figure 4**
 13. **Figure 5**
 14. **Figure 6**
 15. **Figure 7**
 16. **Figure 8**
 17. **Figure 9**
 18. **Figure 10**
 19. **Figure 11**
 20. **Figure 12**
 21. **Figure 13**
 22. **Figure 14**
 23. **Figure 15**
 24. **Figure 16**
 25. **Figure 17**
 26. **Figure 18**
 27. **Figure 19**
 28. **Figure 20**
 29. **Figure 21**
 30. **Figure 22**
 31. **Figure 23**
 32. **Figure 24**
 33. **Figure 25**
 34. **Figure 26**
 35. **Figure 27**
 36. **Figure 28**
 37. **Figure 29**
 38. **Figure 30**
 39. **Figure 31**
 40. **Figure 32**
 41. **Figure 33**
 42. **Figure 34**
 43. **Figure 35**
 44. **Figure 36**
 45. **Figure 37**
 46. **Figure 38**
 47. **Figure 39**
 48. **Figure 40**
 49. **Figure 41**
 50. **Figure 42**
 51. **Figure 43**
 52. **Figure 44**
 53. **Figure 45**
 54. **Figure 46**
 55. **Figure 47**
 56. **Figure 48**
 57. **Figure 49**
 58. **Figure 50**
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 60. **Figure 52**
 61. **Figure 53**
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 64. **Figure 56**
 65. **Figure 57**
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 67. **Figure 59**
 68. **Figure 60**
 69. **Figure 61**
 70. **Figure 62**
 71. **Figure 63**
 72. **Figure 64**
 73. **Figure 65**
 74. **Figure 66**
 75. **Figure 67**
 76. **Figure 68**
 77. **Figure 69**
 78. **Figure 70**
 79. **Figure 71**
 80. **Figure 72**
 81. **Figure 73**
 82. **Figure 74**
 83. **Figure 75**
 84. **Figure 76**
 85. **Figure 77**
 86. **Figure 78**
 87. **Figure 79**
 88. **Figure 80**
 89. **Figure 81**
 90. **Figure 82**
 91. **Figure 83**
 92. **Figure 84**
 93. **Figure 85**
 94. **Figure 86**
 95. **Figure 87**
 96. **Figure 88**
 97. **Figure 89**
 98. **Figure 90**
 99. **Figure 91**
 100. **Figure 92**
 101. **Figure 93**
 102. **Figure 94**
 103. **Figure 95**
 104. **Figure 96**
 105. **Figure 97**
 106. **Figure 98**
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 108. **Figure 100**
 109. **Figure 101**
 110. **Figure 102**
 111. **Figure 103**
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 113. **Figure 105**
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 116. **Figure 108**
 117. **Figure 109**
 118. **Figure 110**
 119. **Figure 111**
 120. **Figure 112**
 121. **Figure 113**
 122. **Figure 114**
 123. **Figure 115**
 124. **Figure 116**
 125. **Figure 117**
 126. **Figure 118**
 127. **Figure 119**
 128. **Figure 120**
 129. **Figure 121**
 130. **Figure 122**
 131. **Figure 123**
 132. **Figure 124**
 133. **Figure 125**
 134. **Figure 126**
 135. **Figure 127**
 136. **Figure 128**
 137. **Figure 129**
 138. **Figure 130**
 139. **Figure 131**
 140. **Figure 132**
 141. **Figure 133**
 142. **Figure 134**
 143. **Figure 135**
 144. **Figure 136**
 145. **Figure 137**
 146. **Figure 138**
 147. **Figure 139**
 148. **Figure 140**
 149. **Figure 141**
 150. **Figure 142**
 151. **Figure 143**
 152. **Figure 144**
 153. **Figure 145**
 154. **Figure 146**
 155. **Figure 147**
 156. **Figure 148**
 157. **Figure 149**
 158. **Figure 150**
 159. **Figure 151**
 160. **Figure 152**
 161. **Figure 153**
 162. **Figure 154**
 163. **Figure 155**
 164. **Figure 156**
 165. **Figure 157**
 166. **Figure 158**
 167. **Figure 159**
 168. **Figure 160**
 169. **Figure 161**
 170. **Figure 162**
 171. **Figure 163**
 172. **Figure 164**
 173. **Figure 165**
 174. **Figure 166**
 175. **Figure 167**
 176. **Figure 168**
 177. **Figure 169**
 178. **Figure 170**
 179. **Figure 171**
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 181. **Figure 173**
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 208. **Figure 200**
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 210. **Figure 202**
 211. **Figure 203**
 212. **Figure 204**
 213. **Figure 205**
 214. **Figure 206**
 215. **Figure 207**
 216. **Figure 208**
 217. **Figure 209**

V.

CAUSE NO. **A21CR 048LY**

April 08, 2021

4:21mj0745

[REDACTED]
[REDACTED]

§
§

Defendants.

THE GRAND JURY CHARGES:

COUNT ONE

**Conspiracy to Possess with Intent to Distribute and Distribution
of a Controlled Substance, Methamphetamine
(Violation of 21 U.S.C. § 846)**

1. Beginning on or about August 1, 2019, and continuing through March 2, 2021, in the Western District of Texas and elsewhere, [REDACTED]

VICTOR PENALOZA-CALDERON, a/k/a ALBERTO ESPINO-BUSTOS, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], defendants, did intentionally and knowingly combine, conspire,

confederate, and agree together and with each other, and with other persons known and unknown to the Grand Jury, to possess with intent to distribute and distribute methamphetamine, a Schedule II controlled substance.

**QUANTITY OF METHAMPHETAMINE INVOLVED IN COUNT ONE OF THE
CONSPIRACY**

2. With respect to [REDACTED], VICTOR
PENALOZA-CALDERON, a/k/a ALBERTO ESPINO-BUSTOS, [REDACTED],

[REDACTED], their conduct as members of the narcotics conspiracy charged in Count One, which includes the reasonably foreseeable conduct of other members of the narcotics conspiracy charged in Count One, involved 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 846, the penalty for which is found at 21 U.S.C. § 841(b)(1)(A).

3. With respect to [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED], their conduct as members of the narcotics conspiracy charged in Count One, which includes the reasonably foreseeable conduct of other members of the narcotics conspiracy charged in Count One, involved 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 846, the penalty for which is found at 21 U.S.C. § 841(b)(1)(B).

COUNT TWO
Money Laundering
(Violation of 18 U.S.C. § 1956)

4. Beginning on or about August 1, 2019, and continuing through March 2, 2021, in the

Western District of Texas and elsewhere, [REDACTED]

VICTOR PENALOZA-CALDERON, a/k/a ALBERTO [REDACTED]

[REDACTED] defendants, and others known and unknown to the Grand Jury, did unlawfully, knowingly and intentionally combine, conspire, confederate and agree together, and with others known and unknown to the Grand Jury, to commit certain offenses under 18 U.S.C. §1956, as follows:

a) to conduct and attempt to conduct financial transactions affecting interstate and foreign commerce that involved property which was the proceeds of specified unlawful activity, to wit, unlawful possession with intent to distribute a controlled substance, methamphetamine, with the intent to promote the carrying on of said specified unlawful activity in violation of 18 U.S.C. § 1956(a)(1)(A)(i); and

b) to conduct and attempt to conduct financial transactions affecting interstate and foreign commerce that involved property which was the proceeds of specified unlawful activity, to wit, unlawful possession with intent to distribute a controlled substance, methamphetamine, with the intent to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of said specified unlawful activity in violation of 18 U.S.C. § 1956(a)(1)(B)(i).

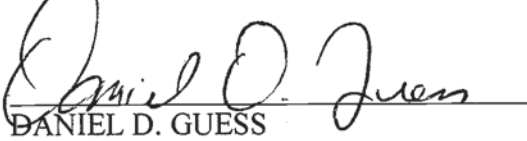
In violation of 18 U.S.C. § 1956(h), the penalty for which is found at 18 U.S.C. § 1956(a)(1).

A TRUE BILL

FOR

ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002

ASHLEY C. HOFF
UNITED STATES ATTORNEY


DANIEL D. GUESS
Assistant United States Attorney

Sealed ☒**A21CR 048LY**

Unsealed

Personal Data Sheet

USAO# 2020R03197UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXASRELATED CASE ☒ YES ☐ NOCASE NO. See Remarks BelowCounty: TRAVIS AUSTIN Division Judge: _____Date: 3/2/2021 Mag Ct.# _____ SSN: _____ FBI#: _____Case No.: _____ Assistant U. S. Attorney: Daniel D. GuessDefendant: VICTOR Date of Birth: RedactedPENALOZA-CALDERON (3)aka Alberto Espino-Bustos

Address: _____

Citizenship: United States Mexican OtherInterpreter Needed: Yes No Language _____

Defense Attorney: _____ Employed _____

Address of Attorney: _____ Appointed _____

Defendant is: In Jail Where: _____On Bond Amt. of Bond Where: _____

Date of Arrest: _____ Bench Warrant Needed _____

Prosecution By: _____ Information _____ Indictment ☒Offense (Code & Description): Ct. 1-- 21 U.S.C. § 846 – Conspiracy to PWID and Distribution ofMethamphetamine;Ct. 2-- 18 U.S.C. § 1956 – Money LaunderingOffense Is: Felony ☒ MisdemeanorMaximum Sentence: Ct. 1 –Life Imprisonment; \$10,000,000 fine; at least 5 yrs TSR;Ct. 2 – 20 yrs Imprisonment; \$500,000 fine; up to 3 yrs TSR;\$100 Special Assessment each countPenalty is Mandatory: Yes ☒ NoAs to special
assessment

Remarks: _____

PM 12: 45

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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Defendants.

MOTION TO SEAL INDICTMENT

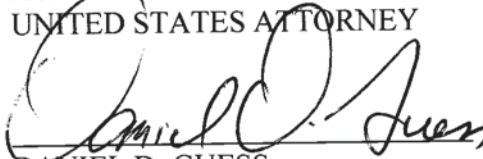
TO THE HONORABLE JUDGE OF SAID COURT:

The United States of America, by and through the undersigned Assistant United States Attorney for the Western District of Texas respectfully requests that the Court seal all documents relating to the Indictment filed in the above-styled cause. These documents include the Indictment, the Record of Grand Jurors Concurring, Personal Data Sheets, the Orders for Bench Warrant and Setting Amount of Bail as well as this motion to Seal the Indictment. As reason for such request, the United States would show the Court that information contained in these documents must be sealed so as to safely effect the arrest of the Defendants and avoid a risk of flight. The United States of America would also request that should this motion be granted that all of the aforementioned documents be unsealed following the Defendants' arrest. A file stamped copy shall be issued to the affiant and the government.

Respectfully submitted,

ASHLEY C. HOFF
UNITED STATES ATTORNEY

By:


DANIEL D. GUESS
Assistant United States Attorney
903 San Jacinto Blvd, Suite 334
Austin, Texas 78701
512/916-5858 / 512/916-5854 FAX
State Bar No. 00789328

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

21 MAR -2 PM 12:46

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY lee

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR PENALOZA-CALDERON (3)
a/k/a ALBERTO ESPINO-BUSTOS

SEALED

CAUSE NO.

A21CR 048LY

[REDACTED] §
[REDACTED] §

Defendants.

ORDER

Before the Court is the Government's Motion to Seal the Indictment and all related documents in the above-styled case, and after considering the same, the Court is of the opinion that it should be granted in the interest of law enforcement.

ACCORDINGLY, it is hereby ORDERED that the Clerk of the Court file the Indictment and all related documents under seal. It is further ORDERED, based upon the Motion, that the Indictment and all related documents be unsealed following the arrest of the defendants in the above-styled cause.

IT IS FURTHER ORDERED that the Government's Motion to Seal, as well as this order shall remained sealed until such time as the warrant documents are unsealed.

SIGNED on this 2nd day of March, 2021.


UNITED STATES DISTRICT JUDGE
MAGISTRATE

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

21 MAR -2 PM 12:47

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY lck
DEPUTY CLERK

UNITED STATES OF AMERICA,
Plaintiff,

v.

VICTOR PENALOZA-CALDERON (3),
Defendant.

CRIMINAL NO.

A21CR 048LY

ORDER FOR BENCH WARRANT AND
SETTING AMOUNT OF BAIL

It appearing to the Court that an indictment has been returned against the below named defendant, it is hereby ORDERED that warrant issue for the arrest of said defendant, and bail is hereby fixed in the amount shown below, returnable instant to the Austin, Texas Division of this Court, such bail to be taken by any United States Magistrate.

Defendant

Amount of Bail

VICTOR PENALOZA-CALDERON

Based upon the request of the U.S. Attorney, it is recommended that the defendant be detained until a hearing pursuant to 18 U.S.C. § 3142 can be held.

ENTERED on this 2nd day of March, 2021.


UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO.: A-21-CR-048(LY)
)	
VICTOR PENALOZA-CALDERON, (3))	
aka Alberto Espino-Bustos)	

MOTION FOR DETENTION

COMES NOW the United States by and through its Assistant United States Attorney and files this motion for pretrial detention under Title 18, United States Code, Section 3141, et seq., and would show the Court the following:

1. The pending case involves:

- ☐ (A) A crime of violence
- ☐ (B) An offense for which the maximum sentence is life imprisonment or death.
- ☒ (C) An offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act, the Controlled Substances Import and Export Act or the Maritime Drug Law Enforcement Act.
- ☐ (D) A felony committed after the Defendant had been convicted of two or more prior offenses described in Title 18, United States Code, Section 3142(f)(1)(A)-(C) or comparable state or local offense.
- ☐ (E) A felony that involves a minor victim or that involves the possession or use of a firearm or destructive device, or any other dangerous weapon, or involves a failure to register under section 2250 of Title 18, United States Code.
- ☐ (F) A serious risk that the Defendant will flee.
- ☐ (G) A serious risk that the person will obstruct or attempt to obstruct justice, or attempt to threaten, injure or intimidate a prospective witness or juror.

- ☐ (H) An offense committed by the Defendant while released pending trial or sentence, or while on probation or parole requiring an initial 10 day detention pursuant to 18 U.S.C. § 3142(d).
- ☒ (I) An offense committed by the above named defendant who is not a citizen of the United States or lawfully admitted for permanent residence requiring an initial 10 day detention under the provisions of 18 U.S.C. § 3142(d).

2. No condition or combination of conditions will:

- ☒ (A) Reasonably assure the appearance of the person as required.
- ☒ (B) Reasonably assure the safety of the community or any other person.

The United States may advocate additional reasons for detention other than those indicated above as the investigation proceeds and new information becomes available.

Pursuant to 18 U.S.C. 3142 the United States moves that the detention hearing be continued for ten (10) days so that the United States can prepare for said hearing.

WHEREFORE, PREMISES CONSIDERED, the Government requests that the Defendant be held without bond.

Respectfully submitted,

ASHLEY C. HOFF
United States Attorney

By:

/s/Daniel D. Guess
DANIEL D. GUESS
Assistant U.S. Attorney
903 San Jacinto, Suite 334
Austin, Texas 78701
A/C 512 916-5858
FAX 512 916-5854
Bar No. 00789328

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America
v.

Victor Penaloza-Calderon (3)

*Defendant***A21CR 048LY**

Case No. 1:21-cr-

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Victor Penaloza-Calderon,

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
 ☐ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

- Count 1: 21 U.S.C. § 846 - Conspiracy to Possess with Intent to Distribute and Distribution of Methamphetamine
 Count 2: 18 U.S.C. § 1956 - Money Laundering

Date: 03/02/2021

 Issuing officer's signature
City and state: Austin, Texas
 Amanda Deichert, Courtroom Deputy
 Printed name and title
Return
 This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title